

REMARKS

The examiner has rejected claims 1, 4-9, 13 and 15 under 35 U.S.C. 102(e) as anticipated by Danish et al (US 5,983,219, hereinafter “Danish”), and rejected claims 2, 3, 10, 11, 12, and 14 under 103(a) as being obvious over Danish. Applicant disagrees for the following reasons.

With respect to claim 1, Danish fails to disclose or suggest producing any user profile, let alone a “profile of the user’s preferences for scales that correspond to aesthetic features of products.” The examiner has cited a number of passages of Danish in support of her rejection of claim 1 (i.e., Abstract, col 2: 15-25, col 3: 55-67, col 5: 20-67, col 6: 30-67, col 9: 1-25, col 11: 1-25, col 12: 35-60, col 14: 49-67, col 15: 20-50, col 16: 20-45, col 17: 25-45, and col 19:1-50). Applicant has examined these passages along with the rest of Danish. However, neither these passages nor any other portion of Danish teaches or suggests the establishment of any user profile or a user profile indicating a user’s preferences for scales that correspond to aesthetic features of products.

Moreover, Danish also does not disclose or suggest “sending a user a web page that contains questions that request preferences for scales that correspond to aesthetic features of products.” While the search method taught in Danish transmit web pages to a user, the web pages disclosed in Danish (e.g., FIG. 7 in Danish) present the user with a series of search fields that allow a user to specify a functional feature of a product (e.g., wire type, finish, material, etc.) as a search parameter. Nowhere in Danish is it suggested to present the user a web page that contains questions relating to scales that correspond to aesthetic features of a product.

Because Danish fails to teach or suggest either “profile of the user’s preferences for scales that correspond to aesthetic features of products” or “sending a user a web page that contains questions that request preferences for scales that correspond to aesthetic features of products,” Applicant requests that claim 1 be allowed. For these same reasons, Applicant requests that dependent claims 2-9 also be allowed.

Claim 2 is further distinguished from Danish because Danish does not teach or suggest “compiling an aesthetic profile tag for the user based on the received responses for the preferences for scales.” The examiner has cited the Abstract, col 3, lines 25-67, and col 13 lines

55-67 of Danish in support for her conclusion that Danish teaches every element of claim 2 except for the use of a tag in the user profile. However, while it is clear that Danish does not teach the use of a tag in a user profile, it is equally clear that neither these passages cited by the examiner nor any other portion of Danish teaches or suggests compiling *any* aesthetic profile for a user based on received responses for the user's preferences for scales corresponding to aesthetic features of a product. Accordingly, claim 2 is further distinguished from Danish.

Claim 3 is also further distinguished from Danish in that Danish does not teach or suggest retrieving a product aesthetic tag for a product or forming a result tag that contains values corresponding to how well aesthetic features of the product match the preferences of the user. Rather Danish discloses searching for products by selecting various objective functional features of a product through the use of a graphical user interface. Products that possess some or all of the selected functional features selected by the user are then retrieved and presented to the user. Danish is completely devoid of teaching or suggesting a method or system where aesthetic features of a product are matched against a profile containing a user's aesthetic preferences.

Claim 6 is also further distinguished from Danish in that Danish does not teach or suggest a control for the user to enter a value corresponding to how the user rates the importance of a scale corresponding to an aesthetic feature of a product. Neither the passages cited by the examiner in the Office Action nor any other portion of Danish disclose this limitation.

Claim 7 is further distinguished from Danish because Danish fails to disclose or suggest a web page that includes a control that when selected by the user, a picture of an item that embodies a scale corresponding to an aesthetic feature is displayed. Neither the passages cited by the examiner in the Office Action nor any other portion of Danish discloses this limitation.

Claim 8 is further distinguished from Danish because Danish does not disclose a web page which includes scales that correspond to an aesthetic feature of a product, and, accordingly, Danish also does not disclose a web page that includes a description of each of the scales. Neither the passages cited by the examiner in the Office Action nor any other portion of Danish disclose this limitation.

Claim 9 is further distinguished from Danish for the same reasons that claim 6, 7, and 8 are further distinguished.

With respect to claim 10, Danish fails to disclose or suggest an "attribute scale providing textual indications of aesthetic features preferred by a user." Danish does not disclose the use of any attribute scale. Rather, Danish simply discloses a web page (FIG. 7) that contains a list of available alternatives for a particular functional feature (e.g., under the functional feature "material" there are three alternatives, "brass", "phosphor-bronze", and "steel"). These teaches do not suggest an attribute scale providing textual indication of aesthetic features. Nowhere does Danish teach or suggest using an attribute scale. Moreover, Danish also does not teach or suggest an attribute scale which provides "textual indications of aesthetic features preferred by a user." Rather, Danish merely provides a list of available alternatives for various *functional* features of a family of products (e.g., material, finish, wire type, etc. for an uninsulated electrical connector).

Because Danish does not teach the use of "attribute scales providing textual indications of aesthetic features preferred by the user," Applicant requests that claim 10 be allowed. For the same reason, Applicant requests that dependent claims 11-12 also be allowed.

Claim 11 is further distinguished from Danish in that Danish fails to disclose attribute scales providing a textual indication of form, material, decoration, overall appearance, or novelty. Applicants note that the web page shown at FIG. 7 in Danish does show a product feature dialogue box titled "material 57." However, Danish presents this dialogue box as part of a search field for searching electrical connectors. As such, it is clear that "material" as used in this dialogue box is not referring to an aesthetic feature of a product, but rather refers to a functional feature of electrical connectors. In contrast, claim 11 requires that "material" refer to an aesthetic feature of a product. Accordingly, claim 11 is further distinguished from Danish.

Claim 12 is also further distinguished from Danish in that Danish does not teach or suggest dividing aesthetic attribute scales into three levels. Neither the passages cited by the examiner in the Office Action nor any other portion of Danish disclose this limitation.

With respect to claims 13 and 15, each of these claims contain elements which are analogous to claim 1, and, accordingly, Applicant requests that these claims be allowed for the same reasons that claim 1 be allowed. Additionally, Applicant requests that dependent claim 14 also be allowed for the same reasons, as well as the reasons cited with respect to claim 2.

Applicant : David Hornstein  
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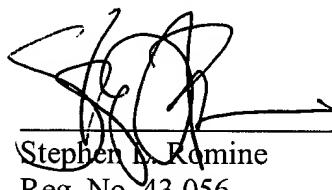
Attorney's Docket No.: 11642-005001

Applicant has added three new sets of independent claims, each of which are clearly distinguishable over Danish.

Applicant asks that all claims be allowed. Enclosed is a Enter \$ amount check for excess claim fees and a Enter \$ amount check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/14/02



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**Version with markings to show changes made**

**In the claims:**

Claim 1 has been amended as follows:

-- 1. (amended) A method for selecting products that occurs over a networked computer system comprises:

    sending a user a web page that contains questions that request preferences for scales that correspond to aesthetic features of products; and

    receiving from a user [,] a set of responses from the questions that correspond to aesthetic features of products [,] to produce a profile of the user's preferences for scales that correspond to aesthetic features of products. --